IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO.3 OF 2006
IN
FIRST APPEAL NO.24 OF 2003

Shri Vithal V. Gaitonde & Anr. .... Applicants
Vs.
Special Land Acquisition Officer,
(S.I.P.) Gogol, Margao-Goa & Anr. .... Respondents

Applicant-in-person.

Shri G. Shirodkar, AGA, for the Respondents.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: FEBRUARY 17, 2006

P.C:

Heard the applicant-in-person and the learned A.G.A..

The grievance of the applicants relates to failure on the part of the learned single Judge to award interest amount in terms of Section 28 of the Land Acquisition Act, 1894, hereinafter called as "the said Act" as also not to consider the enhancement of compensation for the land on par with the compensation which was awarded to one Shri Narendra Nadkarni in whose case the award was on enhancement of compensation based on which an application under Section 28-A of the said Act was filed by the applicants. The learned single Judge, in the judgment dated 9-9-2004, has clearly observed that the award being of the year 1973, the provisions of the Act of 68 of 1984

which came into force with effect from 14-9-1984, are applicable to the case of the applicants and therefore the applicants are not entitled for the benefit of interest. As regards enhancement of compensation in respect of the cashew trees, undisputedly, the applicants had not led any evidence to justify that the trees in their land are of similar quality and gives similar yield as those in the land of Shri Nadkarni. Being so, there is no error apparent on the face of the record in the said judgment and hence there is no case for review thereof. The application, therefore, is rejected.

(R.M.S. Khandeparkar, J.)

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